

## Remarks

### A. Status of the Claims

Claims 33, 88, 90-98, 107-125, and 127-130 are pending. (The Office Action Summary apparently has errors at lines 4 and 6, but the “Detailed Action” at page 2, paragraph 1, correctly lists the pending claims.) The pending claims stand rejected. The independent claims are **33, 88, 124 and 127**.

No amendments to the claims are submitted with this reply. Applicant respectfully traverses the grounds for rejection articulated by the Examiner and requests reconsideration.

### B. Context of the pending Office action

Applicant filed an *RCE* with an Amendment on May 25, 2007. In that Amendment, among other things, Applicant traversed the prior rejections of claims 33, 90, 95-103 and others as being *anticipated* by Schneider '430. Applicant amended claim 33 (among others), and argued in part that Schneider '430 did not anticipate because it lacked the claim limitation of “a plurality of communication connections directly into the registry.” The Examiner correctly observed that there are multiple registrars in the DNS system, each affiliated with a given registry, and that each of them has a communication connection directly into the corresponding registry, ergo such connections per se are not new. And, several registrars might by random coincidence submit requests on behalf of their respective, independent potential registrants, “substantially contemporaneously.” Applicant agrees, but claim 33 (and the other independent claims) requires more. Claim 33 was amended in the previous reply to recite a method for domain name management in which multiple affiliated registrars act together cooperatively on behalf of one interested party:

“wherein effecting the succeeding registration includes initiating multiple, substantially contemporaneous requests to register the domain name; and further

“wherein the multiple requests to register the domain name are transmitted directly to the registry via a plurality of communication channels, **the communication channels being associated with multiple affiliated domain name registrars effectively acting in concert** to register the domain name before any other registrar.”

An interview at the PTO followed, and the Examiner wrote in his *Interview Summary*, following the indication that claims 33, 88 and 124 had been discussed, that “Examiner agreed with Applicants that claims as amended overcome the prior art.” (Interview Summary, PTOL-413, June 5, 2007.)

In the new Office action (July 2, 2007), having acknowledged that Schnieder '430 fails to teach the above claim limitations, the Examiner asserts an obviousness rejection, relying on Schneider (717) to provide the teaching absent from Schneider '430. However, as shown below, Schneider (717) in no way provides such disclosure that taken together with Schneider '430 would have made the subject matter of claim 33 as a whole obvious to one of ordinary skill in the art.

### C. Alleged Obviousness under Section 103(a)

The Examiner held that claims 33 and 90, 95-103, 107-110, 117-125, and 128-130 were rejected under 35 USC § 103(a) as being unpatentable over Schneider (U.S. Patent No. 6,895,430) in view of Schneider (U.S. Patent No. 6,678,717). Applicant traverses the rejections and requests reconsideration. Specific arguments follow.

#### I. Regarding claims 33, 88, 124, and 127 (All of the independent claims)

See Office action, page 3. In the previous amendment claim 33 was amended to read as follows:

“33. A method for domain name management comprising:  
identifying a domain name with a first registration;  
identifying an interested party desiring a succeeding registration for the domain name;  
monitoring a status of the first registration;  
and immediately and automatically effecting the succeeding registration to the interested party when the status of the first registration indicates that the domain name is registrable, without further action by the interested party;  
wherein effecting the succeeding registration includes initiating multiple, substantially contemporaneous requests to register the domain name; and further  
wherein the multiple requests to register the domain name are transmitted directly to the registry via a plurality of communication channels, the communication channels

being associated with multiple affiliated domain name registrars effectively acting in concert to register the domain name before any other registrar.”

The Examiner states in the present action that, “Schneider (430) fails to teach explicitly multiple requests to register the domain name are transmitted directly to the registry via a plurality of communication channels.” The Examiner’s entire ground for rejection is stated as follows:

“However, Schneider (717) teaches method, product, and apparatus for requesting a network resource. Schneider (717) teaches multiple requests to register the domain name are transmitted directly to the registry via a plurality of communication channels (column 13, line 27 to column 14, line 23).” Office action, page 3.

Applicant respectfully and firmly points out that the cited passages of Schneider (‘717) focus on presenting a list of registrars available to execute a registration, and on the end user choosing only one registrar to handle the function (based on various possible criteria (e.g., retail cost of the registration). Nothing in the claims cited in the office action have anything to do, even remotely, with registrars acting in concert to register a domain name before any other registrar.

The Examiner is correct of course that registrars transmit requests to register domain names directly to the registry; that is their primary function. It may be interpreted from prior art that multiple registrars may have sent requests to the registry to register the same name—and since each registrar has a “communication channel” into the registry, such requests, by absolute logic, would have occurred “via a plurality of communication channels.”

It’s important to understand those communications, although through a plurality of channels, were either coincidentally submitted simultaneously *but independently* by two or more parties through their respective registrars, each attempting to register a name of interest.

In the present case, there was no coordinated effort among those registrars at the behest of a coordinating entity. To the contrary, they each acted alone, in competition with the others to acquire a desired registration. The inventor’s coordination concept is discussed further below.

From that background, the Examiner leaps to the conclusion that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Schneider (‘430) in view of Schneider (‘717) to provide “effecting the

succeeding registration includes initiating multiple, substantially contemporaneous requests to register the domain name; and further wherein the multiple requests to register the domain name are transmitted directly to the registry via a plurality of communication channels, the communication channels being associated with multiple affiliated domain name registrars effectively acting in concert to register the domain name before any other registrar.” Office action, pp. 3-4. And finally, the Examiner concludes that “One would be motivated to do so to allow a potential registrant to register the available domain name (abstract).” This, however, is clearly not the case, and parroting the claim language does not establish a case for obviousness.

Applicant respectfully traverses the Examiner’s position for three reasons: First, the Examiner misinterprets the teaching of Schneider (’717). Second, because of the misinterpretation of Schneider (’717), the combination proposed by the Examiner does not result in the invention described by claim 33. And third, even if Schneider (’717) were to teach or suggest the limitations proposed by the Examiner (which it clearly does not), the combination still would not render obvious the actual limitations of claim 33.

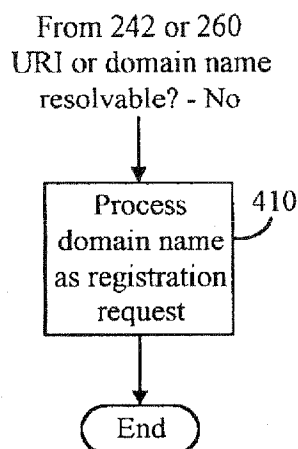
#### A. The Passages Cited by the Examiner

The Examiner states, “Schneider (717) teaches multiple requests to register the domain name are transmitted directly to the registry via a plurality of communication channels (column 13, line 27 to column 14, line 23).” The Examiner misconstrued the reference, as shown below.

1. The passages relied upon by the Examiner teach, first, in the event of an unresolvable URI, redirection to registration services:

“FIG. 4a is a top level flowchart showing a new combination of steps in accordance with the present invention for the processing of resource location services. As discussed in FIG. 2a when a valid URI having a valid domain name generated in step 238 or received as input in step 234, the resolvability of the URI is then determined in step 242. As previously explained and shown in FIG. 2b, one step in determining URI resolvability is the determination of domain name resolvability in step 260. Rather than, or in addition to displaying an error message in step 230 or processing a search request in step 218 in response to the determination of an unresolvable URI (step 242) or domain name (step 260), in a preferred embodiment of the present invention the unresolvable URI is instead redirected to registration services where the unresolvable domain name is automatically used to perform a registration request in step 410 to determine domain name availability in step 314. When the domain name is determined

available (as in step 314), a registration form is displayed (as in step 360) as a result of processing the registration request in step 410.”  
Schneider (717) at column 13, lines 27-46.



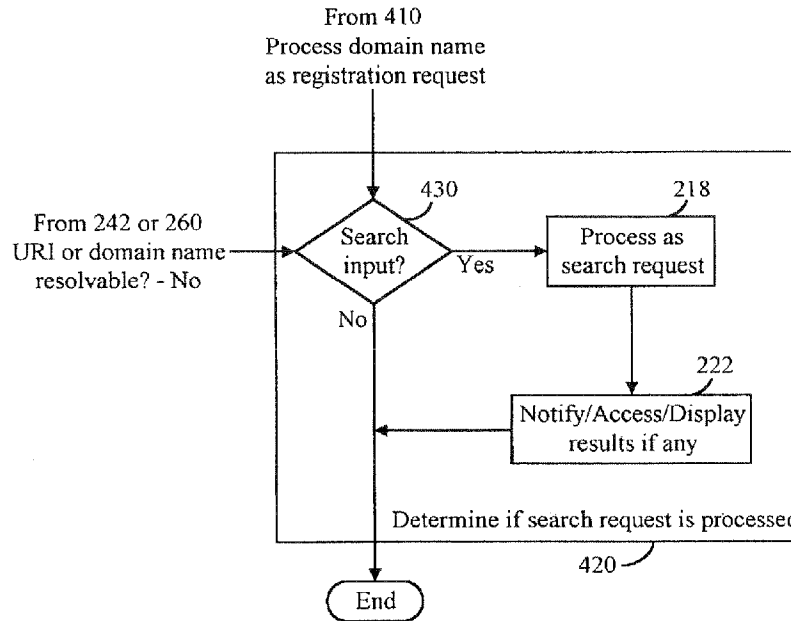
**Fig. 4a**

The present claims, however, are not directed to the problem of an unresolvable name, or to the solution of redirecting the user to the presentation of a manual, form-based registration step. Applicant agrees that technology is known; it is just not pertinent here.

2. Second, in the passage cited by the Examiner, Schneider (717) describes determining whether or not the unresolved name or other identifier can be processed as a search request. If so, a search request is constructed and the results returned:

“FIG. 4b is a flowchart illustrating additional steps for further integration of resource location and registration services. After the registration request is processed in step 410, or in response to the determination of an unresolvable URI (step 242) or domain name (step 260), it is determined in step 420 whether a search request is processed. More specifically, it is further determined in step 430 whether received input 210 is to be processed as a search request in step 218. When this is the case, a search request is constructed from the identifier (e.g., domain name) and processed in step 218 and results, if any, are then notified, accessed, and/or displayed in step 222.”

Schneider (717) at column 13, lines 47-58.



**Fig. 4b**

Applicant's claim clearly is not directed to processing a search request for a domain name.

3. Third, Schneider (717) disclosed, in the passages cited by the Examiner, user configuration *settings for the selection of a preferred registrar* to register a name found to be available:

“FIG. 5a illustrates user modifiable configuration settings 174, which may be accessed by the browser for selecting the user preferred URI redirection in response to the determination of an unresolvable domain name. Configuration settings 174 may allow choice of URI redirection to either the least cost registrar (discussed in conjunction with FIG. 5b), a list of registrars that can be selected at the time of redirection, the selection of a random registrar, or the redirection of a predetermined or default registrar. Offering such selection features can assure that the redirection to registration services are better distributed to those accredited registrars using the SRS.”

Schneider (717) at column 13, line 59- column 14, line 3.

174

Configuration Settings

Select Redirection Method

☐ Least Cost Registrar

☐ Select Registrar from list

☐ Random Registrar

☒ Default Registrar

licensedregistrar.com

**Fig. 5a**

It is very clear here as well that the art merely describes a system for selecting a registrar—*only one*—to process the name’s registration, not a coordinated system to immediately and automatically effect a succeeding registration of a previously registered name. Also, the selection of one registrar to effect a registration runs contrary to Applicant’s claimed use of multiple registrars at the same time to effect a succeeding registration of a previously registered name.

4. Fourth, the lengthy passage cited by the Examiner also describes consulting a “registration cost table or database.” See the following FIG. 5b:

178 ↗

Registrar	Price/Cost
reg1.com	\$35
reg2.com	\$30
reg3.com	\$32

524 ↗      528 ↗

“FIG. 5b illustrates the minimum data structure of a registrar database 178 including registrar 524 and price/cost 528. When least cost registrar is chosen from configuration settings 174, consulting from a table of registration cost information is performed by accessing the registrar database to select one or more records indicating the lowest price for the purchase of a domain name. Additional table entries may be included such as rates, time and expiration date (e.g., length of purchase time before renewal), quantity, and customized discount methods, etc. Real-time price changes, may be provided to the registrar database for price updates based

upon surveys, bidding, bulk discounts, purchasing more time, offers, rebates, supply and demand, etc.” Schneider (717) at column 14, lines 4-16.

This illustration does not pertain in any way to the limitations of claim 33 or Applicant’s other independent claims.

5. Finally, the last passage offered by the Examiner as allegedly supporting rejection of all of the independent claims is found in Schneider (717) at column 14, lines 17-23, which reads verbatim as follows:

“In the case, where more than one record is selected (e.g., many registrars competing for the same lowest price), the client machine is redirected at random to those qualifying registrars. In addition, when select registrar is chosen from configuration settings 174, a list box is generated from the registrar database 178 at the time of redirection for the user to select a registrar from.”

Thus, in this passage, Schneider (717) fairly teaches either of two alternatives: (1) selecting a registrar—only one—at random when several registrars offer the same pricing (or other customer-relevant information); or (2) the user selects a registrar from a list presented to him. Either way, EXACTLY ONE registrar is selected to effect the desired registration. There is no suggestion of multiple registrars acting in concert at the same time.

The lengthy passage cited by the Examiner does not in any way disclose or suggest the claim 33 limitations that recite:

“wherein effecting the succeeding registration includes initiating multiple, substantially contemporaneous requests to register the domain name; and further wherein the multiple requests to register the domain name are transmitted directly to the registry via a plurality of communication channels, the communication channels being associated with multiple affiliated domain name registrars effectively acting in concert to register the domain name before any other registrar.” [Emphasis added]

#### B. The Differences Between the Claims and the Prior Art

The teachings of Schneider (717) cited by the Examiner, set out above, do not disclose the express claim limitation of, “initiating multiple, substantially contemporaneous requests to register the domain name.” Rather, it discloses only a *single* request (410) for a first registration, which may involve selecting the lowest cost registrar to effect the registration (see Figs. 5a,5b).



Applicant used the claim language, “initiating multiple, substantially contemporaneous requests to register the domain name” to refer to a unified effort; that is, the “initiating” step is done by a single entity, as distinguished from multiple entities, acting independently, who happen by chance or coincidence to send registration requests to register the name around the same time. This key distinction becomes clearer in the context of the next claim limitation, as follows.

The claim calls for, “transmitting the multiple, substantially contemporaneous requests, **“via a plurality of communication channels, the communication channels being associated with multiple affiliated domain name registrars effectively acting in concert.”** The claim limitation is explicit and unambiguous and the claim language cannot be ignored. Schneider says nothing about multiple affiliated registrars working together, as further explained below.

#### Coordination of Registrar Efforts

Neither can the language “multiple *affiliated* domain name registrars effectively *acting in concert*” be ignored. This inventive concept is illustrated in one embodiment in Applicant’s **FIG. 3B**, reproduced below. It shows three different registrar sites (328) (though in reality it can be hundreds of registrars, and often is) all “substantially simultaneously” transmitting requests (“D”) to the Registry (**330**):

## Expiring Domain Name Acquisition Cluster

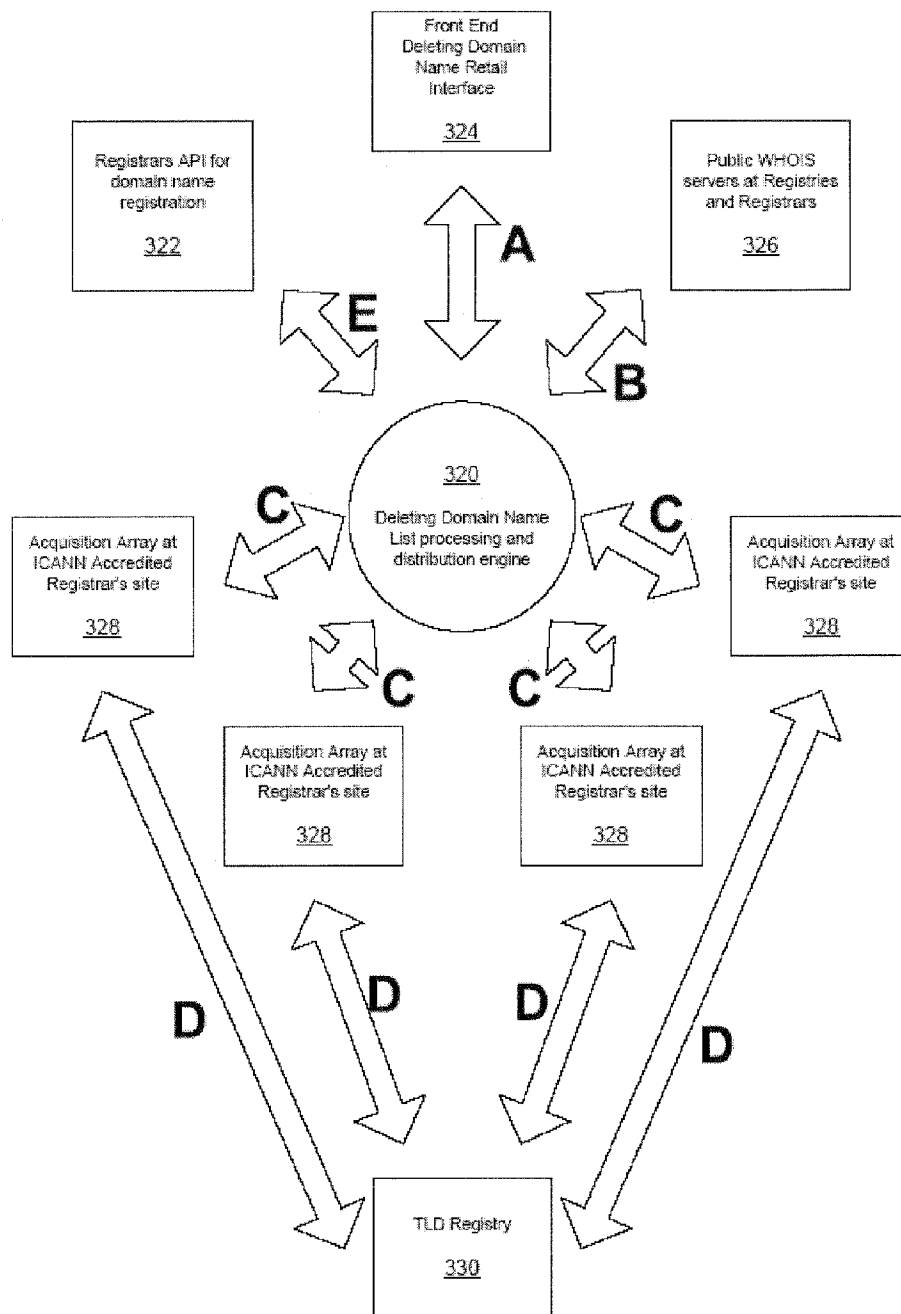


FIG. 3B

How do they act *in concert*? Applicant explained in the last reply:

“The ability to employ multiple communication connections (or “threads”) into the Registry is key to winning the race to register a domain name immediately after it becomes available, before a competitor gets the name, as further discussed below. See specification, for example, at [0048] to [0058]. That is, multiple, substantially contemporaneous requests to register the domain name leads to a

higher probability of success in obtaining a newly-released domain name than a single “add command” from any one registrar standing alone. In accordance with this aspect of the invention, the authorized connections or “threads” of multiple cooperating registrars are leveraged. Support is found, for example, see FIGS. 4-5 and paragraphs 0058-0059. These are also called partner or affiliated registrars. See paragraph 0061. There is no hint of this novel cooperative approach in the prior art of record.”

Applicant stands by that position. As shown in one embodiment in Applicant’s FIG. 3B above, the focal point is **320 Deleting Domain Name List Processing and Distribution Engine**, the module that coordinates and leverages the registration communication threads of a group of registrars. That module directs all of the “*multiple affiliated registrars*” **328** (four of them are shown for illustration) to “[transmit] the multiple, substantially contemporaneous requests” via their respective communication channels, in order to effect a succeeding registration. See paragraphs [0058]-[0061] in the specification. In claim **124**, it recites the limitation, “wherein effecting the succeeding registration includes initiating multiple, substantially contemporaneous requests to register the domain name.”

For at least the foregoing reasons, the combination proposed by the Examiner plainly would not have rendered obvious the inventions described by claims 33, 88, 124 and 127. The rejections should be reconsidered and withdrawn.

#### Further Regarding Claim 88

The Examiner did not discuss the specific limitations of claim 88 at all<sup>1</sup>, and thus failed to make out a prima facie case of obviousness. Specifically, the Examiner did not address the last three limitations of the claim. The grounds for rejection that were presented relate to claim 33. Applicant submits that, in addition to the reasons discussed above with regard to claim 33, Claim 88 is separately patentable for at least the reasons summarized below. The claim recites:

“**88.** (Previously presented) A method for domain name management comprising:  
identifying a domain name with a first registration;  
identifying an interested party desiring a succeeding registration for the domain name;

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<sup>1</sup>See Office action page 2, paragraph numbered 3 (“Claims 33 and 90 and 95-103 ... are rejected” (omitting claim 88)); and compare Office action page 3, second paragraph, “As to claims 33, 88, 124 and 127...”. In fact, nowhere in the Office action is the language of claim 88 set forth or discussed.

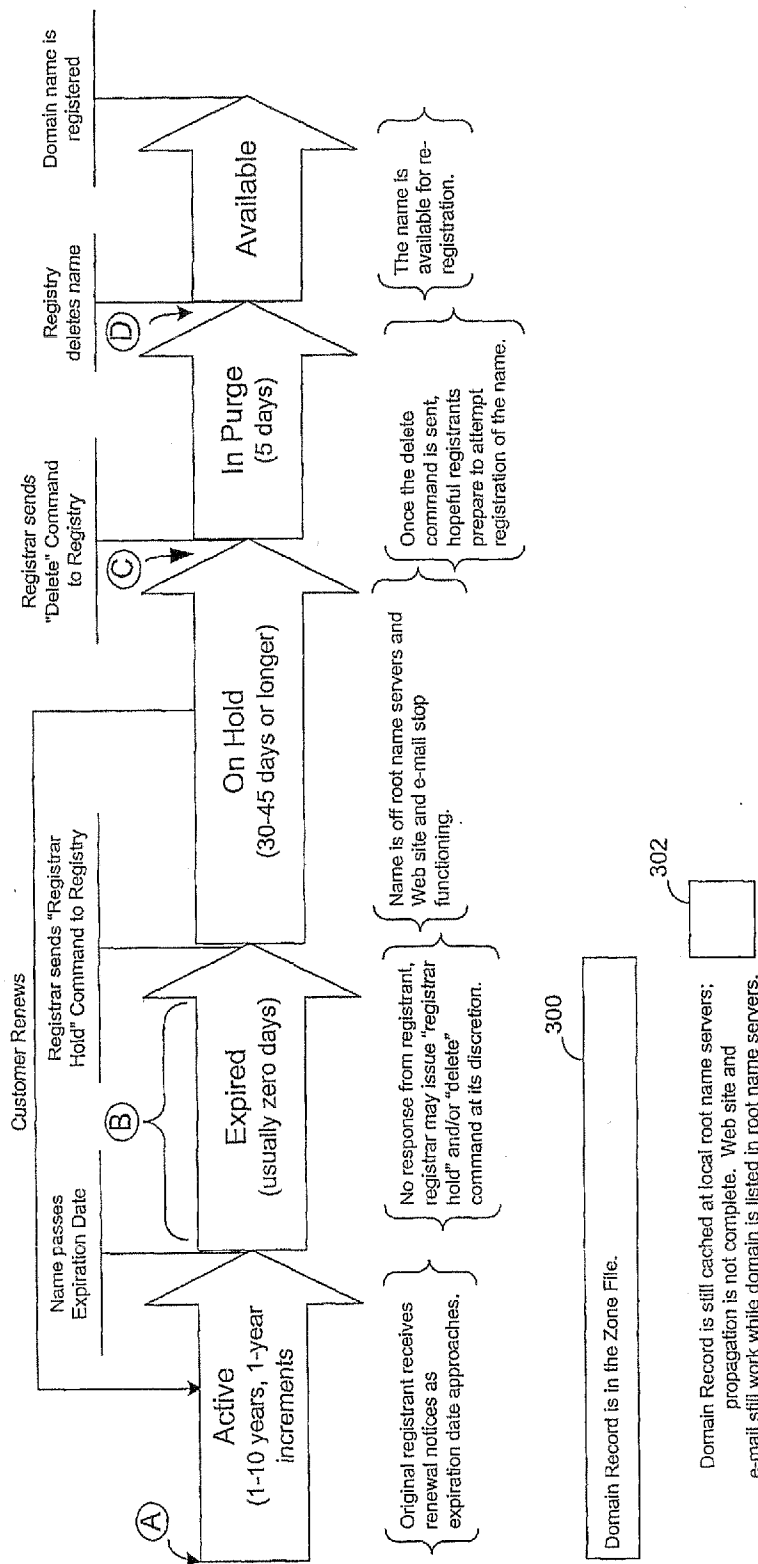
monitoring a status of the first registration;  
immediately and automatically effecting the succeeding registration to the interested party as soon as possible after the status of the first registration indicates that the domain name is registrable, without further action by the interested party,  
wherein said immediately and automatically effecting the succeeding registration includes determining an expected deletion date for the first registration;  
defining a time period on or about the expected deletion date for monitoring the status; and  
periodically checking the status within the time period so as to detect the domain name status change as soon as possible after it occurs.” (Emphasis added.)

The prior art does not disclose the combination of the last three limitations. It is essential to distinguish an *expiration date* of a domain registration from a *deletion date*; the latter is the focus of claim 88. The expiration date is easy to determine – it’s listed in WHOIS or in the sponsoring Registrar database. But the *deletion date* is key in the method of claim 88 because deletion determines when a name becomes actually available for registration. Please see **FIG. 3A**, timeline of deletion cycle, reproduced on the next page in pertinent part.

In the earlier (final) Office action, responding to Applicant’s earlier arguments, the Examiner stated that Schneider discloses an expiration date and that...

“[I]t is inherent that when expiration occurs, there is ‘deletion’, then registration, which could be either renewal or a new [registration] for the domain name of the WHOIS record [which] is parsed and compared in step 954 to the current date. When the difference between the expiration date and current date is determined in step 958 to be less than a predetermined threshold value (e.g., 30 days), a client may be notified in step 962 that the domain name may soon be available.”

Office action, paragraph bridging pages 12-13. Applicant responded that *deletion* is not inherent in *expiration*, and Applicant adheres to that view. To the contrary, deletion often does not follow expiration. Rather, most registrations are renewed by the existing registrant and thus will not be subject to deletion. In any event, the prior art teaching is all based on the *expiration* date. It does not teach or suggest the limitations of claim 88 set forth above, for at least the following reasons.



The Examiner acknowledged this point earlier<sup>2</sup>; and in the current Office action, with regard to claim 91: “Schneider fails to teach explicitly further determining a deletion time period during which the first registration is expected to delete from the registry...”<sup>3</sup>

Applicant agrees it is known that a user may periodically check the status of an existing registration, but only in limited ways: Schneider (430) notes that, “A WHOIS request is performed to determine domain name availability.” Column 14, line 15. A WHOIS request may reveal the *expiration* date of an extant registration, or it may not find the name, indicating that it is no longer registered and thus is available for registration. See Schneider at Column 14, lines 15-21. A name is unresolved, or not found by WHOIS, because the prior registration, if there be one, has purged or *deleted* from the registry. WHOIS information therefore is too early for present purposes (domain name still registered), or too late (domain name already purged from the registry and available to all). It does not attempt to “determine an expected deletion date” as recited in claim 88. There can be no *expected* deletion date after the name is already deleted.

The method of claim 88 calls for determining an expected deletion date, and periodically checking the status during a time period on or about the expected deletion date, and further that these steps are included within the steps of “immediately and automatically effecting the succeeding registration.” These steps thus are part and parcel of the claimed method of *automatically* grabbing a name as soon as possible after it becomes available. Merely *manually* checking a name status, as in prior art, would not render this process unpatentable. Claim 88 is thus patentable over the art of record.

## II. Dependent Claims

1. Because the Examiner has not established a prima facie ground for rejection of the independent claims under Section 103, all of the dependent claims, which by definition are narrower, should be allowed as well. Additionally, applicant would point out the following arguments.

2. **Claim 90** is not argued as being separately patentable.

3. Regarding **claim 95**, the Examiner apparently misreads the claim. It calls for, “A method according to claim 88, wherein said checking includes receiving a

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<sup>2</sup> See the Examiner’s Interview Summary.

<sup>3</sup> Office action, page 10.

communication pushed from a registrar.” The term *said checking* refers back to the step of “periodically checking the status *within the time period*” of the base claim; which in turn refers to “a time period on or about *the expected deletion date*” for monitoring the status of the domain name. This checking step, “on or about the expected deletion date,” is not disclosed in Schnieder, nor is it provided by the WHOIS as explained above. As noted earlier, Schneider does not attempt to determine an *expected deletion date*. In accordance with the claim, this information is instead received by “a communication pushed from a registrar.”<sup>4</sup>

4. **Claim 96** is similar to claim 95 except that the checking information is pushed from the registry, not the registrar. The Examiner again cites to column 14, lines 15-21, which recites the use of a WHOIS request. It may be observed that the registry does in fact have direct knowledge of the deletion date as it actually implements the deletion.

5. As to claims **97** and **98**, these are not argued as being separately patentable apart from the base claim 33.

6. As to claims **107**, **108**, **109**, **110** and **121**, these are not argued as being separately patentable apart from the base claim 33.

7. Claim **117** is not argued as being separately patentable apart from the base claim 33.

8. Claim **118/33** was rejected based on citation to Schnieder 430. The claim recites:

“118. A method according to claim 33, wherein the first registration is maintained by a registry and sponsored by a registrar, and further comprising:  
prior to a purge of the first registration from the registry, re-allocating the domain name to a selected entity, whereby the domain name is not deleted by the registry.”

The Examiner cites to Schneider (430) at two passages; the first reads:

“A WHOIS request is performed to determine domain name availability. When a domain name is already registered (e.g., determined not available), registrant information may be provided to the client system. However, when the domain name is available, a registration form may be processed and submitted to a registrar and/or registry and to its partners and/or affiliates.” Schneider (430) at 14:15-21.

And the second passage reads, “Watch example.com” may enable a user to add “example.com” to a watch list for notifying the user as to similar domain names registered

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<sup>4</sup> For the record, the grounds for rejection begins with the assertion that, “As to claims 95 and 96, Schneider teaches a method according to claim 88, wherein...”. Applicant disputes that premise for the reasons discussed earlier.

or to notify that "example.com" is available or may soon be available for registration." 18:38-41. The concept of "soon to be available" was discussed earlier. Neither of these passages remotely suggests the claim limitation of re-allocating a domain name **prior to purge** from the registry. A domain name is not available for registration, or re-allocation, according to the prior art, until **after purge** of the prior registration from the registry. See Applicant's FIG. 3A, above. Claim 118 should be allowed.

9. Claims **119 and 120** are not argued as being separately patentable apart from the base claim 33.

10. Claims **122 and 123** are not argued as being separately patentable apart from the respective base claims.

11. As to claim 125, it calls for:

125. (Currently amended) A system according to claim 124, wherein:

the domain name is sponsored by a registrar having access to a registry that maintains the first registration;

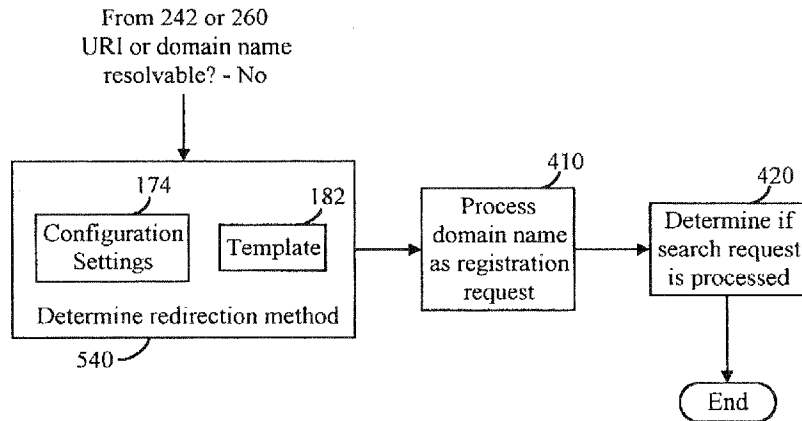
said means for identifying the domain name includes an input means for receiving an indication of the domain name; and

said means for monitoring the status of the first registration includes an **acquisition array** coupled to the input means and **integrated with the registrar** so as to enable the acquisition array to determine the status of the first registration and to immediately effect registration of the domain name when the status indicates that the domain name is registrable;

wherein the acquisition array implements a plurality of communication connections directly into the registry, the communication connections being associated with a plurality of different cooperating domain name registrars.

The Examiner (at page 6) observed that Schneider (430) does not teach the last (underlined) limitation of claim 125. The Examiner proposes that Schneider (717) teaches this feature in figures 5a-5c. Applicant respectfully disagrees. Schneider's figures 5a and 5b are discussed above at page 19. Both figures relate to selection of ONE preferred registrar, for example the least expensive; there is no suggestion of employing registry connections associated with a plurality of different cooperating registrars. Figure 5c is shown below:





**Fig. 5c**

Schneider says, “FIG. 5c is a flowchart illustrating the step in accordance with the present invention of determining which registrar will process a registration request in response to the determination of an unresolvable URI or domain name.” Column 8, lines 37-41. It is not seen how this discloses or even remotely suggests the claim limitation of claim 125:

“wherein the acquisition array implements a plurality of communication connections directly into the registry, the communication connections being associated with a plurality of different cooperating domain name registrars.”

The Examiner argues that the prior art teaches use of multiple registrar connections into the registry. The trouble is that the Examiner overlooks express claim limitations. The claim calls for using the connections associated with *cooperating* domain name registrars. It is explained above and in the specification why and how multiple, *cooperating* registrars results in a completely new paradigm. Claim **125** should be allowed.

It may be useful to compare the language of claim 33, which recites in pertinent part: “the communication channels being associated with multiple affiliated domain name registrars effectively acting in concert to register the domain name before any other registrar.” There again, the Examiner overlooks the *affiliated registrars* limitation, as well as the *acting in concert* language. Every claim limitation must be given weight. These limitations highlight distinctions of the claimed invention as a whole over the prior art.

Claim **127** in a similar vein calls for:

“wherein said effecting the succeeding registration includes asserting a plurality of commands to the registry by means of a plurality of communication connections directly into the registry, the communication connections being associated with multiple different cooperating domain name registrars so as to increase the likelihood of obtaining the succeeding registration before any non-cooperating domain name registrar.”

### Other Rejections

1. Claims **92, 93, 94** were rejected under Section 103(a) as unpatentable over Schnieder 430 in view of Schneider 717 and further in view of Green, US 6,868,441. This is about pinging multiple registrars. First, Applicant observes that these are dependent claims, and Applicant maintains that the base claim 88 is patentable for the reasons discussed above.

Second, the language cited in Greene et al. is not about domain name registration at all. Even if one skilled in the art would look to that disclosure, the “registrar” referred to there is not a domain name registrar, and would not have access of any kind to a DNS system registry. Greene describes a distributed system for computers that implements a *service registration process*. This is a different process and it serves an entirely different purpose than a domain name registration process. Greene explains: “FIG. 12A is a flowchart depicting the process employed by the registrar for registering services in accordance with an exemplary embodiment of the present invention.” Column 51, lines 32-35.

“The service registration process begins with the registrar in a listening state, waiting for messages to arrive on the network. The signals may be generated by a service (including a container service) or a client (any consumer or user of a service) located in a local or non-local domain or in another registrar in the local domain, thus allowing for many possible permutations for incoming signals. With regard to the exemplary process, a ping( ) is handled first. If, at step 1202, the registrar receives a ping( ), the registrar immediately returns (pong( )) its location to the service initiated the ping( ) (step 1204). The registrar then waits for the service to return its registration information.”

Column 51, lines 43-54. Applicant’s claims **92** and **93**, by contrast, refer to pinging *domain name registrars*. Further with regard to claim **94**, it refers to pinging a *registry*, not a registrar. The two entities are distinct. The service registrar in Greene cannot be both of them at the same time. These claims should be allowed.

2. Claims **91, 104, 105, 106** and **111-116** were rejected as unpatentable over Schnieder 430 in view of Schneider 717 and further in view of **Hollenbeck**, U.S. 2005/0102354. Discussion of specific grounds for rejection follow.

As to claims **104** and **105**, these were previously canceled.

As to claim **106**, it was previously canceled.

Applicant’s claim **91** recites:

“91. (Previously presented) A method according to claim 90, further comprising:

predicting an earliest moment of registrability for the domain name based on the expected deletion date; and

increasing the frequency of said checking, proximate to the predicted earliest moment of registrability.”

As noted earlier, the Examiner acknowledged that: “Schneider fails to teach explicitly further determining a deletion time period during which the first registration is expected to delete from the registry.” The Examiner asserts that: “Hollenbeck teaches determining a deletion time period during which a first registration is expected to delete from the registry; and during the deletion time period but prior to deletion from the registry, requesting a next registration of the domain name [to] succeed the first registration (page 3, [0042].” Office action, page 10, verbatim. The Examiner misreads the reference. That paragraph in Hollenbeck, in its entirety, actually says exactly the following:

[0042] Registrars 108, 110, and 112 function to process domain name registrations for registrants and then send the necessary DNS information to registry 114 for entry into a centralized registry database and ultimate propagation over the Internet. DNS information may include, for example, domain name, name server names, and name server Internet Protocol (IP) numbers. Communication between registrars 108, 110, and 112, and registry 114 occurs via a protocol called registry-registrar protocol (RRP). RRP is a protocol that permits multiple registrars to provide second level Internet domain name registration services in the top level domains (TLDs) administered by a TLD registry, such as registry 114, on behalf of registrants, such as registrant 102 or 104. Registrar 108, 110, or 112 may access registry 114 through RRP to register domain names and perform other domain name-related functions such as the registration of name servers, re-registrations, deletions, transfers, and updates to domain names registered by that registrar. In one embodiment, RRP may be a secure, TCP (transmission control protocol)-based, ASCII text protocol.

Hollenbeck thus provides a fine summary of the DNS system generally, but no mention is made of the present claim steps of, “predicting an earliest moment of registrability for the domain name based on the expected deletion date; and increasing the frequency of said checking, proximate to the predicted earliest moment of registrability,” as per Applicant’s claim **91** and **111-114**. These claims are patentable over the prior art, for these reasons in addition to the arguments presented above with regard to the respective base claims.

As to claim **116**, it is not argued as being separately patentable apart from the base claim **115**.

Claim **115** was included in the Examiner’s general statement of rejections at page 9, but nowhere were its express limitations considered specifically. It recites:

“115. A method according to claim 33, wherein the first registration is maintained by a registry, and further comprising:

obtaining a list of deleting domain names maintained by the registry associated with an upcoming deletion date; and

if the first registration is on the list, prior to actual deletion of the first registration, requesting a new registration of the domain name to succeed the first registration.”

Nothing in the prior art cited by the Examiner discloses the step of “obtaining a list of deleting domain names maintained by the registry associated with an upcoming deletion date.” As discussed above, the prior art shows obtaining a registration *expiration* date, and perhaps guessing at an approximate, likely deletion date. The steps of claim 115 are not disclosed and the claim should be allowed. If it is not allowed, the Examiner is asked to point out with particularity the teaching in prior art of these specific claim steps. A charge of obviousness cannot be supported by vague generalizations. Claim 115 is separately patentable, but it also should be allowed as depending from claim 33.

For the foregoing reasons, this case is now in condition for allowance. The Examiner is encouraged to telephone the undersigned if any issues remain.

Respectfully submitted,

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